

HOUSE BILL 755

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By: **Delegates Summers, Afzali, Cane, Clippinger, DeBoy, Feldman, Frush, Healey, Holmes, Howard, Ivey, Jones, Kaiser, Luedtke, McDermott, McDonough, Niemann, Pena–Melnyk, Vaughn, Weir, and Zucker**

Introduced and read first time: February 9, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Precious Metal Object Dealers, Pawn Shops, Scrap Metal Processors, and**
3 **Automotive Dismantlers and Recyclers or Scrap Processors – Fingerprint**
4 **Requirement**

5 FOR the purpose of requiring a precious metal object dealer, a pawnbroker, a junk
6 dealer, a scrap metal processor, and an automotive dismantler and recycler or
7 scrap processor to obtain a certain legible fingerprint from certain individuals at
8 the time of certain transactions and to include the fingerprint in the records of
9 the transaction; and generally relating to fingerprint requirements for certain
10 transactions.

11 BY repealing and reenacting, without amendments,
12 Article – Business Regulation
13 Section 12–301(a), (b), and (c) and 17–1011(a) and (b)(1)
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Business Regulation
18 Section 12–302 and 17–1011(b)(2)
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 25–210
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Business Regulation**

4 12–301.

5 (a) (1) Each dealer shall make a written record, on a form provided by the
6 Secretary, of each business transaction that involves the acquisition of a secondhand
7 precious metal object when the transaction is made.

8 (2) Each dealer shall retain the original copy of the written record
9 required to be made under paragraph (1) of this subsection at the dealer's place of
10 business.

11 (b) Each pawnbroker shall make a written record, on a form provided by the
12 Secretary, of each business transaction that involves:

13 (1) lending money on pledge of personal property, other than a
14 security or printed evidence of indebtedness; or

15 (2) buying personal property on condition of selling it back at a
16 stipulated price; or

17 (3) buying the following items for the purpose of resale:

18 (i) binoculars;

19 (ii) cameras;

20 (iii) firearms;

21 (iv) furs;

22 (v) household appliances;

23 (vi) musical instruments;

24 (vii) office machines or equipment;

25 (viii) radios, televisions, videodisc machines, videocassette
26 recorders, and stereo equipment;

27 (ix) personal computers, tapes, and disc recorders;

28 (x) watches;

1 (xi) bicycles; and

2 (xii) tangible personal property pledged as collateral.

3 (c) Each pawnbroker shall make a written record, on a form provided by the
4 Secretary, of each transaction that involves the acquisition of an item described in
5 subsection (b)(3) of this section for the purpose of resale.

6 12-302.

7 (a) In addition to any other information required by the Secretary, the
8 records of a dealer shall include:

9 (1) the date, place, and time of each transaction that involves the
10 acquisition of a precious metal object;

11 (2) the name and address of the principal, if the transaction is by an
12 agent;

13 (3) a description of the precious metal object, including:

14 (i) its approximate metallic composition;

15 (ii) any jewels, stones, or glass parts;

16 (iii) any mark, number, word, or other identification on the
17 precious metal object;

18 (iv) its weight, if payment is based on weight;

19 (v) a statement whether it appears to have been altered by any
20 means, including:

21 1. obscuring a serial number or identifying feature;

22 2. melting; or

23 3. recutting a gem; and

24 (vi) the amount paid or other consideration;

25 (4) for each individual from whom the dealer acquires a precious metal
26 object:

27 (I) A LEGIBLE FINGERPRINT OF THE THUMB OF THE
28 INDIVIDUAL OBTAINED AT THE TIME OF THE TRANSACTION; AND

1 ~~[(i)]~~(II) 1. the name, date of birth, and driver's license
2 number of the individual; or

3 ~~[(ii)]~~ 2. identification information about the individual that:

4 [1.] A. positively identifies the individual from at least
5 2 forms of identification, which may include an age of majority card, military
6 identification, or passport; and

7 [2.] B. provides a physical description of the
8 individual, including the sex, race, any distinguishing features, and approximate age,
9 height, and weight of the individual;

10 (5) a statement indicating whether or not the person making the
11 transaction is personally known to the dealer; and

12 (6) the signature of the person from whom the precious metal object or
13 personal property is acquired and the dealer or employee who accepted the precious
14 metal object.

15 (b) In addition to any other information required by the Secretary, the
16 records of a pawnbroker shall include, for each item pawned:

17 (1) **A LEGIBLE FINGERPRINT OF THE THUMB OF THE INDIVIDUAL**
18 **WHO PAWNED THE OBJECT OBTAINED AT THE TIME OF THE TRANSACTION; AND**

19 ~~[(1)]~~ (2) (I) the type of item;

20 ~~[(2)]~~ (II) its manufacturer, model number, year of manufacture if
21 known, and serial number if known; and

22 ~~[(3)]~~ (III) its color and size.

23 17-1011.

24 (a) (1) This section applies to all junk dealers and scrap metal processors
25 doing business in the State, including nonresident junk dealers and nonresident scrap
26 metal processors.

27 (2) This section applies to an automotive dismantler and recycler or
28 scrap metal processor licensed under Title 15, Subtitle 5 of the Transportation Article
29 if the automotive dismantler and recycler or scrap metal processor:

30 (i) conducts business as a licensed junk dealer or scrap metal
31 processor;

1 (ii) acquires vehicle parts that qualify as junk or scrap metal as
2 defined under § 17–1001(e) of this subtitle; or

3 (iii) acquires articles that are listed, or made of metals that are
4 listed, in § 17–1001(e) of this subtitle.

5 (3) This section does not apply to:

6 (i) an automotive dismantler and recycler or scrap metal
7 processor that only acquires whole vehicles for the purpose of dismantling, destroying,
8 or scrapping them for the benefit of their parts or the materials in them; or

9 (ii) a person that buys scrap metal to use as raw material to
10 produce 1,000,000 tons of steel or more in the State per calendar year.

11 (4) (i) Except as provided in subparagraph (ii) of this paragraph,
12 this section preempts the right of a county or municipality to regulate the resale of
13 junk or scrap metal.

14 (ii) This section does not limit the power of a county or
15 municipality to license junk dealers and scrap metal processors.

16 (iii) This section supersedes any existing law of a county or
17 municipality that regulates the resale of junk or scrap metal.

18 (b) (1) For each purchase of junk or scrap metal in the State, a junk
19 dealer or scrap metal processor shall keep an accurate record in English.

20 (2) The record shall state:

21 (i) the date and time of purchase;

22 (ii) a description of the junk or scrap metal purchased,
23 including:

24 1. the type and grade of the junk or scrap metal; and

25 2. if payment is based on weight, the weight of each type
26 and grade of junk or scrap metal;

27 (iii) the amount paid or other consideration for the junk or scrap
28 metal;

29 (iv) the registration plate number, make, and model of any
30 vehicle used;

1 (v) the name and address of the individual from whom the junk
2 or scrap metal is acquired;

3 (vi) the signature of:

4 1. the individual from whom the junk or scrap metal is
5 acquired; and

6 2. the junk dealer, scrap metal processor, or employee
7 who accepted the junk or scrap metal; and

8 (vii) for each individual from whom the junk dealer or scrap
9 metal processor acquires junk or scrap metal:

10 **1. A LEGIBLE FINGERPRINT OF THE THUMB OF THE**
11 **INDIVIDUAL OBTAINED AT THE TIME OF THE TRANSACTION; AND**

12 **[1.] 2. A.** the date of birth and driver's license
13 number of the individual; or

14 **[2.] B.** identification information about the individual
15 from a valid State-issued photo ID that provides a physical description of the
16 individual, including the sex, race, any distinguishing features, and approximate age,
17 height, and weight of the individual.

18 **Article – Transportation**

19 25–210.

20 (a) The following persons may transfer a vehicle under this section:

21 (1) Any person who possesses or on whose property any abandoned
22 vehicle is found;

23 (2) Any person who owns a vehicle for which the certificate of title is
24 defective, lost, or destroyed; or

25 (3) Any agent designated and authorized by a government agency to
26 remove an abandoned vehicle from public or private property.

27 (b) Notwithstanding any other provision of this subtitle, if the vehicle is
28 more than 8 years old and has no engine or otherwise is totally inoperable, any person
29 described in subsection (a) of this section may transfer the vehicle to an automotive
30 dismantler and recycler or scrap processor without a certificate of title and without
31 following the notification procedures of §§ 25–204 and 25–205 of this subtitle.

1 (c) An automotive dismantler and recycler or scrap processor may require a
2 person who transfers a vehicle under subsection (b) of this section, to execute an
3 indemnity agreement on a form prescribed by the Administration.

4 (d) In those cases described in subsection (b) of this section, an automotive
5 dismantler and recycler or a scrap processor whose plant is physically located and
6 operating in this State may file with the Administration the indemnity agreement
7 described in subsection (c) of this section that identifies the vehicle and contains the
8 name, address, and signature of the person delivering it.

9 **(E) AN AUTOMOTIVE DISMANTLER AND RECYCLER OR A SCRAP**
10 **PROCESSOR SHALL OBTAIN A LEGIBLE FINGERPRINT OF THE THUMB OF THE**
11 **INDIVIDUAL WHO TRANSFERS A VEHICLE UNDER SUBSECTION (B) OF THIS**
12 **SECTION AT THE TIME OF THE TRANSFER AND SHALL INCLUDE THE**
13 **FINGERPRINT IN THE RECORDS OF THE TRANSACTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2012.